



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

JAMES D. SCOTT,	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 9:05-2008-HFF-GCK
	§	
JON OZMINT, SCDC Director; and HENRY	§	
MCMASTER, Attorney General of	§	
South Carolina,	§	
Respondents.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE, GRANTING RESPONDENTS' MOTION FOR SUMMARY
JUDGMENT, AND DENYING PETITIONER'S MOTION TO AMEND HIS PETITION

Petitioner, who is proceeding *pro se*, filed this action pursuant to Section 2254. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondents' motion for summary judgment be granted and Petitioner's motion to amend his petition be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 12, 2006, and Petitioner's objections were received by the Clerk's office on January 27, 2006. The Court has reviewed Petitioner's six-page objection memorandum, but finds the objections to be without merit. Therefore, for the reasons set forth in the Magistrate Judge's comprehensive and well-reasoned Report, the Court will overrule the objections and grant Respondents' motion for summary judgment. Moreover, for the reasons stated by the Magistrate Judge (Report at 19-20), the Court will deny Petitioner's motion to amend his petition.

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Respondents' motion for summary judgment must be **GRANTED** and Petitioner's motion to amend his petition must be **DENIED**.

IT IS SO ORDERED.

Signed this 30th day of January, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd

HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.